

CLD-358

August 23, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-2112**

UNITED STATES OF AMERICA

VS.

JAMES C. CARTER

(W.D. Pa. Civ. No. 02-cr-00011E)

Present: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES

Submitted is the Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);

in the above-captioned case.

Respectfully,

Clerk

MMW/CAC/ww/smw

ORDER

The foregoing application for a certificate of appealability is denied. See 28 U.S.C. § 2253(c)(2). For essentially the reasons discussed by the District Court, jurists of reason would not debate the correctness of the District Court's decision to deny Appellant's motion filed under 28 U.S.C. § 2255. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Appellant has failed to make a substantial showing of the denial of a constitutional right, and a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003).

By the Court,

/s/ Kent A. Jordan
Circuit Judge

Dated: September 28, 2007

smw/cc: James C. Carter
Robert L. Eberhardt, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk